REMARKS

Claims 1-21 are pending in this application.

The Office Action dated April 21, 2005, has been received and carefully reviewed. In that Office Action, claims 6, 9, 15, 16, 20 and 21 were rejected under 35 U.S.C. 102(e) as being anticipated by Motoyama. In addition, claims 1-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama in view of Horvitz. Reconsideration of these rejections is respectfully requested in view of the above amendments and following remarks.

REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 6 stands rejected under 35 U.S.C. 102(b) as being anticipated by Motoyama. Claim 6 requires, *inter alia*, a service management method that includes a step of updating a management file which records usage conditions of a plurality of functions so as to distinguish a detected function from an undetected function. Motoyama, at column 15, lines 21-35 describes logging the number of times that users have used a target application to be monitored. However, Motoyama only logs target applications that are used; Motoyama does not provide any information on applications that are not used. Therefore, Motoyama cannot provide information to distinguish a detected function from an undetected function as required by claim 6. Motoyama does not disclose at least this aspect of the claimed invention, and claim 6 is submitted to be allowable over Motoyama.

In addition, by the above amendment, claim 6 has been amended to require that functions be grouped into at least a first level and a second level, at least one function in the first level being associated with at least one function in the second level, and at least one function in the first level being identified as used only if all functions in the second level that are associated with the at least one function are identified as used. These new features are also not disclosed in Motoyama. Claim 6 is therefore submitted to be allowable over the art of record for this reason as well.

Claim 15 and 20 also stand rejected under 35 U.S.C. 102(e) as being anticipated by Motoyama. Claims 15 and 20 include limitations related to the limitations of claim 6 and are submitted to distinguish over Motoyama for at least the same reasons as claim 6.

Claim 9 stands rejected under 35 U.S.C. 102(e) as being anticipated by Motoyama. By the above amendment, claim 9 has been amended to require that functions be grouped into at least a first level and a second level, at least one function in the first level being associated with at least one function in the second level, and that the at least one function in the first level be identified as used only if each function in the second level that is associated with the at least one function is detected a predetermined number of times. Motoyama and the other references of record do not show or suggest this feature, and claim 9 is submitted to be allowable over the references of record for at least this reason.

Claims 16 and 21 also stand rejected under 35 U.S.C. 102(e) as being anticipated by Motoyama. Claims 16 and 21 include limitations related to the limitations of claim 9 and are submitted to be allowable for at least the same reasons as claim 9.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama in view of Horvitz. It is respectfully submitted that the combination of Motoyama and Horvitz in no manner suggests the invention required by claims 1-21 as presently amended. It is also submitted that the Office Action has failed to present a *prima facie* case of obviousness in connection with claims 1-21 because a proper motivation for combining Motoyama and Horvitz has not been provided. Each of these issues is discussed below.

NO MOTIVATION FOR COMBINING REFERENCES

The Office Action explains that it would have been obvious to combine Motoyama and Horvitz "in order to make the service management system more versatile in term of providing assistance and making it more user friendly." Nothing in Motoyama suggests that Motoyama will be made "more versatile" by adding features from Horvitz. Even if the combination would somehow render Motoyama "more versatile," it is submitted that the only motivation for making this change comes, improperly, from the present disclosure. Moreover, Motoyama is directed to a system that appears to run in the background while a user runs an application. Therefore, the user of a device on which the Motoyama program is running would not be aware of the existence

of the Motoyama program and would not require assistance from a system such as that of Horvitz.

The fact that the examiner believes the asserted combination would make a system "more versatile" and "user friendly" is not supported by the art of record. Instead, it appears the combination of references resulted from a hindsight selection of elements from the prior art with no reason for doing so other than the present disclosure. Because a motivation to combine these two references, and therefore a *prima facie* case of obviousness, has not been presented, it is respectfully submitted that claims 1-21 patentably distinguish over the art of record.

THE CLAIMED INVENTION IS NOT SUGGESTED BY THE REFERENCES

Even if a proper motivation for combining Motoyama and Horvitz were provided, it is respectfully submitted that the combination would not render the claimed invention obvious. Each of the claims is addressed below.

Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama in view of Horvitz. Claim 1 requires a step of checking usage conditions of a plurality of functions to determine which functions have been used less than a predetermined number of times. Neither Motoyama nor Horvitz suggests checking usage conditions of functions to determine which functions have been used less than a predetermined number of times. Motoyama logs the use of computer functions but does not suggest monitoring unused functions. Horvitz provides contextual help, but is not designed to promote the use of a function used less than a predetermined number of times as required by claim 1. For at least these reasons, it is respectfully submitted that claim 1 patentably distinguishes over the combination of Motoyama and Horvitz.

Claim 2 depends from claim 1 and is submitted to be allowable for at least the same reasons as claim 2.

Claim 3 stands rejected under 35 U.S.C. 102(e) as being unpatentable over Motoyama in view of Horvitz. Claim 3 requires a service management method managing an application program made up of a combination of a plurality of functions by a computer, that involves, among other steps, receiving content from a service provider relating to a function that is used

less than a predetermined number of times. Neither reference suggests at least the step of receiving content from a service provider related to a function that is used less than a predetermined number of times as now required by claim 3. Claim 3 is submitted to be allowable for at least this reason. Claim 4 depends from claim 3 and is submitted to be allowable for at least the same reasons as claim 3.

Claim 5 stands rejected under 35 U.S.C. 102(e) as being unpatentable over Motoyama in view of Horvitz. Claim 5 requires a service management method that includes steps of receiving usage conditions of the functions of a software package over a network and transmitting a message for promoting use of a function to the device on which the software package is installed. Neither reference shows or suggests these steps, and claim 5 is submitted to be allowable over the art of record for at least this reason.

Claim 6 stands rejected under 35 U.S.C. 102(e) as being unpatentable over Motoyama in view of Horvitz. Claim 6 requires a service management method managing an application program made up of a combination of a plurality of functions by a computer wherein the functions are grouped into at least a first level and a second level, at least one function in the first level being associated with at least one function in the second level, and the at least one function in the first level is identified as used only if all functions in the second level that are associated with the at least one function are identified as used. This method is not shown or suggested by the references of record, and claim 6 is therefore submitted to be allowable.

Claims 7 and 8 depend from claim 6 and are submitted to be allowable for at least the same reasons as claim 6.

Claim 9 stands rejected under 35 U.S.C. 102(e) as being unpatentable over Motoyama in view of Horvitz. Claim 9 as amended requires a service management method making a computer carry out the steps of detecting that a specific function is selected and writing a number of detection of the detected function, wherein functions are grouped into at least a first level and a second level, at least one function in the first level being associated with at least one function in the second level, and the at least one function in the first level being identified as used only if each function in the second level that is associated with the at least one function is detected a predetermined number of times. These steps are not shown or suggested by the art of record, and

claim 9 is submitted to be allowable for at least this reason.

Claims 10 and 11 depend from claim 9 and are submitted to be allowable for at least the same reasons as claim 9.

Claim 12 requires a service management program for performing a service management method related to the service management method of claim 1. Claim 12 is submitted to be allowable for the reasons provided above in connection with claim 1.

Claim 13 requires a service management program for performing a service management method related to the service management method of claim 3. Claim 13 is submitted to be allowable for the reasons provided above in connection with claim 3.

Claim 14 requires a service management program for performing a service management method related to the service management method of claim 5. Claim 14 is submitted to be allowable for the reasons provided above in connection with claim 5.

Claim 15 requires a service management program for performing a service management method related to the service management method of claim 6. Claim 15 is submitted to be allowable for the reasons provided above in connection with claim 6.

Claim 16 requires a service management program for performing a service management method related to the service management method of claim 9. Claim 16 is submitted to be allowable for the reasons provided above in connection with claim 9.

Claim 17 requires a computer-readable information recording medium recording a service management program related to the service management program of claim 12. Claim 17 is submitted to be allowable for the reasons provided above in connection with claim 12.

Claim 18 requires a computer-readable information recording medium recording a service management program related to the service management program of claim 13. Claim 18 is submitted to be allowable for the reasons provided above in connection with claim 13.

Claim 19 requires a computer-readable information recording medium recording a service management program related to the service management program of claim 14. Claim 19 is submitted to be allowable for the reasons provided above in connection with claim 14.

Claim 20 requires a computer-readable information recording medium recording a service management program related to the service management program of claim 15. Claim 20 is submitted to be allowable for the reasons provided above in connection with claim 15.

Claim 21 requires a computer-readable information recording medium recording a service management program related to the service management program of claim 16. Claim 21 is submitted to be allowable for the reasons provided above in connection with claim 16.

CONCLUSION

Each issue raised in the Office Action dated April 21, 2005, has been addressed, and it is believed that claims 1-21 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: July 21, 2005   Respectfully submitted,

By _____

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